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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,727	05/08/2001	Hock Law	04939P015	3634
7590	12/30/2005		EXAMINER	
SAMIR A. BHAVSAR ESQ BAKER BOTTS LLP 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			LEZAK, ARRIENNE M	
			ART UNIT	PAPER NUMBER
			2143	
			DATE MAILED: 12/30/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/851,727	LAW ET AL.	
	Examiner	Art Unit	
	Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-35 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Examiner notes that Claims 1, 4-6, 8-9 & 11-24 have been amended, no Claims have been cancelled and Claims 25-35 have been added. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated as reiterated herein below.

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 9, 13 & 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Examiner finds no mention of a "predetermined frequency range" within the specification. As such, amendment is required. For examination purposes, Examiner will read the claims to comprise the wording "predetermined frequency". Additionally, per Claim 13, Examiner finds no mention within the specification for "receipt of a signal" and "generation of a data packet corresponding to the signal", thus removal of the same is required.
2. Claim 13 is further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner finds that Applicant is not clear as to which devices are responsible for which actions. It is unclear which device

receives a signal, generates a data packet, and transmits the synchronization and data packets, thus proper correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-24, 26, 27, 29-32 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,356,945 B1 to Shaw in view of US Patent US 6,894,975 B1 to Partyka.

5. Regarding Claims 1, 5-9, 12-14, 18-21 & 32, Shaw discloses a transmit-only, (per pending Claims 1, 13, 14, 21 & 32), or receive only, (per pending Claim 9), apparatus and method comprising:

- a protocol stack including, (or excluding – per pending Claims 13 & 21) selected portions of the protocol used only for transmitting or only for receiving data, (Fig. 13; Col. 1, lines 13-67; Col. 2, lines 1-23; Col 19, lines 23-40 & Claims 1-26);
- configuring said transmit-only, (per pending Claims 1, 21 & 32), or receive-only, (per pending Claim 9), protocol stack in a respective

transmit-only/receive-only wireless device for transmitting data, (Col. 23, lines 37-45); and

- a transceiver communicatively coupled to said protocol stack and configured to physically transmit or receive said data, (Fig. 13 & Col. 19, lines 23-40).

6. As noted herein, Shaw discloses a bandwidth manager capable of reconfiguring bandwidth for time-sharing upgradeability, (Col. 18, lines 39-56). Shaw, however, does not specifically enumerate a synchronization logic configured to synchronize data transmissions between said transmit-only apparatus and a second wireless apparatus by transmitting a synchronization packet, (per pending Claims 5, 12 & 18), prior to transmitting said data, said synchronization packet and said data being separated by a predetermined offset, said offset being usable by said second apparatus to identify said transmit-only apparatus, and wherein said protocol stack is configured to encapsulate said data in a packet and cause said transceiver to transmit said packet twice in succession, (at two different frequencies – per pending Claim 8), within a predetermined window of time, (per pending Claims 6 & 19), wherein the predetermined window of time is 8.33 msec, (per pending Claims 7 & 20).

7. Partyka discloses a synchronization logic configured to synchronize data transmissions, (Partyka - Abstract & Claims 1-24), between said transmit-only apparatus, (Partyka - Col. 3, lines 62-65), and a second wireless apparatus, (i.e.: receive-only device), by transmitting a synchronization packet prior to transmitting said data, (Col. 4, lines 32-67; Col. 5, lines 1-10; Col. 7, lines 9-67; Col. 8; & Col. 9, lines 1-

25), said synchronization packet and said data being separated by a predetermined offset, said offset being usable by said second apparatus to synchronize data transmission between the transmitting and receiving devices, (per pending Claims 5, 12 & 18), (Col. 7, lines 9-67; Col. 8; & Col. 9, lines 1-25), wherein said protocol stack is configured to encapsulate said data in a packet and cause said transceiver to transmit said packet twice in succession, (per pending Claims 6 & 19), (at two different frequencies – per pending Claim 8), and wherein the predetermined window of time is 8.33 msec, (per pending Claims 7 & 20), (Col. 8, lines 21-41), (Examiner notes that per the teachings of Partyka, a transmission opportunity within a predetermined window of time obviously may be done any number of times, for any amount of time and at any number of frequencies). Examiner further notes that as both Shaw, (Shaw – Claim 21), and Partyka, (Partyka - Col. 3, lines 62-65), disclose the enabling of a computing apparatus to exclusively transmit or receive or both, Shaw renders obvious Applicants transmit-only or receive-only protocol stack(s) and respective transceivers.

8. It would have been obvious to combine the teachings of Shaw and Partyka as noted within Shaw which teaches a need for an integrated process architecture which can accommodate communications, both transmission and retrieval, of information, (Shaw – Col. 1, lines 58-61), in light of that noted within Partyka which teaches network node synchronization as a means of improving communication, (Partyka – Col. 1, lines 7-19). Thus, Claims 1, 5-9, 12-14, 18-21 & 32 are found to be unpatentable in light of the combined teachings of Shaw in view of Partyka.

9. Regarding Claims 2, 3, 10, 15, 16, 22 & 23, Shaw in view of Partyka is relied upon for those teachings disclosed herein. Shaw further discloses an apparatus and method further comprising a wireless keyboard, (per pending Claims 2, 15 & 22), mouse, (per pending Claims 3, 16 & 23) or personal computer, (per pending Claim 10), enclosure within which said protocol stack and said transceiver could obviously be configured, (Col. 1, lines 13-22). Examiner notes that it would have been obvious to incorporate the transceiver [and Bluetooth technology] into any computer or computer peripheral device for wireless communication convenience. Thus, Claims 2, 3, 10, 15, 16, 22 & 23 are found to be unpatentable in light of the combined teachings of Shaw in view of Partyka.

10. Regarding Claims 4, 11, 17 & 24, Shaw in view of Partyka is relied upon for those teachings disclosed herein. Shaw further discloses a data source capable of generating a data/packet, (per pending Claims 4, 17 & 24) as well as a data sink capable of processing said data/packet, (per pending Claim 11), (Shaw - Col. 19, lines 23-40; Col. 22, lines 58-64 & Col. 23, Lines 37-45). Additionally, Partyka clearly teaches the transmission of a synchronization packet followed by a data packet from a transmit-only device, (Partyka – Col. 3, lines 62-65; Col. 8, lines 21-67; & Col. 9, lines 1-2). Thus, Claims 4, 11, 17 & 24 are found to be unpatentable in light of the combined teachings of Shaw in view of Partyka.

11. Regarding Claims 26, 27, 30, 31 & 34, Shaw in view of Partyka is relied upon for those teachings disclosed herein. Partyka further discloses wherein the transmit-only devices, (per pending Claims 26, 27 & 34), and/or the receive-only devices, (per

pending Claims 30, 31 & 34), use the predetermined offset to determine the apparatus ID, (per pending Claims 26 & 30), or the priority level of the data packet, (per pending Claims 27 & 31), (Col. 3, lines 6-67; Col. 4; & Col. 5, lines 1-51), (Examiner notes that Partyka clearly teaches a synchronized communication network capable of simultaneous node communication and variable data rate transmission, (Partyka – Col. 3, lines 44-56), wherein the transmission of multimedia data, (like that in Shaw), clearly and obviously calls for the ability to distinguish and prioritize data, (i.e.: asynchronous vs. isochronous). Thus, Claims 26, 27, 30, 31 & 34 are found to be unpatentable in light of the combined teachings of Shaw in view of Partyka.

12. Regarding Claim 29, Shaw in view of Partyka is relied upon for those teachings disclosed herein. Partyka further discloses wherein the receive-only apparatus is operable to periodically allocate a timing window for receiving at least one synchronization packet, (Col. 4, lines 32-52). Thus, Claim 29 is found to be unpatentable in light of the combined teachings of Shaw in view of Partyka.

13. Claims 25, 28, 33 & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,356,945 B1 to Shaw in view of US Patent US 6,894,975 B1 to Partyka in further view of US Patent Pub. US 2002/0089548 A1 to Marler.

14. Regarding Claims 25, 28, 33 & 35, Shaw in view of Partyka is relied upon for those teachings disclosed herein. Though Shaw teaches wireless communication, (Col. 22, lines 58-64), Shaw does not specifically enumerate the use of Bluetooth technology. Marler discloses the use of Bluetooth wireless technology, (Marler – paragraph #0012).

It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to incorporate the well-known Bluetooth wireless technology within the Shaw transmit/receive method as a means of transmitting and receiving information without the use of cumbersome wires, improving efficiency of electronic communication, (Shaw – Col. 1, lines 13-22). Examiner further notes that as Shaw discloses the enabling of a computing apparatus to exclusively transmit or receive, Shaw renders obvious Applicants transmit-only or receive-only protocol stack(s) and respective transceivers. Thus, Claims 25, 28, 33 & 35 are found to be unpatentable in light of the combined teachings of Shaw, Partyka and Marler.

### ***Response to Arguments***

15. Applicant's arguments filed 17 November 2005, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

16. Applicant argues that modification of the Shaw protocol stack to not include selected portions of the Bluetooth protocol would render Shaw unsatisfactory for its intended purpose, and Examiner respectfully disagrees. Examiner strongly notes Applicant's own wording wherein Applicant notes that Shaw teaches, "being able to enable one of three modes of operation", (Amendment, p.9). Additionally, Examiner

notes that Shaw requires, "means for enabling a selective group of said apparatus to be in receive-only, transmit-only, or transmit-and-receive mode", (Shaw, Claim 21). Thus, Examiner disagrees with Applicant's assertion that enabling one mode, (and thus disabling the other two modes), renders Shaw unsatisfactory, as Shaw clearly requires only one mode to be operational, and as such, Shaw is clearly and obviously able to be combined with the Bluetooth technology, (as taught by Marler), rendering Applicant's claims unpatentable. Additionally, Examiner notes that the combined teachings of Shaw, Partyka and Marler clearly and obviously render Applicant's invention unpatentable, as noted herein.

17. Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how the amendments avoid such references or objections, Examiner hereby rejects all claims in their entirety as noted herein above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 4,528,661 B1 to Bahr.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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